

111TH CONGRESS
1ST SESSION

S. 2907

To establish a coordinated avalanche protection program, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 18, 2009

Ms. MURKOWSKI (for herself, Mr. BEGICH, and Mr. UDALL of Colorado) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To establish a coordinated avalanche protection program,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Land Ava-

5 lanche Protection Act of 2009”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) PROGRAM.—The term “program” means

9 the avalanche protection program established under

10 section 3(a).

1 (2) SECRETARY.—The term “Secretary” means
2 the Secretary of Agriculture.

3 **SEC. 3. AVALANCHE PROTECTION PROGRAM.**

4 (a) ESTABLISHMENT.—The Secretary, acting
5 through the Chief of the Forest Service, shall establish
6 a coordinated avalanche protection program to—

7 (1) identify the potential for avalanches on Fed-
8 eral lands and inform the public, including users of
9 those lands and other potentially affected parties,
10 about the probability of such avalanches and their
11 potential adverse effects on neighboring communities
12 and on transportation and utility corridors;

13 (2) carry out ongoing research regarding the
14 causes of avalanche development, so as to improve
15 forecasting of avalanche events; and

16 (3) reduce the risks of avalanches on Federal
17 lands and mitigate their effects on users of those
18 lands, neighboring communities, and transportation
19 and utility corridors.

20 (b) COORDINATION.—

21 (1) IN GENERAL.—In developing and imple-
22 menting the program, the Secretary shall consult
23 with the Secretary of the Interior, and coordinate
24 the program to ensure adequate levels of protection

1 for recreational users of public land under the juris-
2 diction of such Secretary.

3 (2) RESOURCES.—In carrying out this section,
4 the Secretary—

5 (A) shall, to the maximum extent prac-
6 ticable, use the resources of the National Ava-
7 lanche Center of the Forest Service; and

8 (B) may use such other resources as the
9 Secretary has available in the development and
10 implementation of the program.

11 (c) ADVISORY COMMITTEE.—

12 (1) IN GENERAL.—The Secretary shall establish
13 an advisory committee of 15 members, appointed by
14 the Secretary, to assist in the development and im-
15 plementation of the program.

16 (2) MEMBERSHIP.—The membership of the ad-
17 visory committee established pursuant to paragraph
18 (1) shall include representatives of—

19 (A) Federal land management agencies
20 and concessionaires or permittees that are ex-
21 posed to the threat of avalanches;

22 (B) State departments of transportation
23 that have experience in dealing with the effects
24 of avalanches;

25 (C) the Alaska railroad;

1 (D) the United States Geological Survey;

2 (E) the National Oceanic and Atmospheric
3 Administration;

4 (F) the National Weather Service;

5 (G) entities with interest in the program
6 that the Secretary considers appropriate for
7 representation on the board;

8 (H) authorized users of artillery, other
9 military weapons, or weapons alternatives used
10 for avalanche control; and

11 (I) such other members as the Secretary
12 considers appropriate.

13 (d) CENTRAL DEPOSITORY.—The Secretary, the Sec-
14 retary of Transportation, and the Secretary of the Army
15 shall establish a central depository for weapons, ammuni-
16 tion, and parts for avalanche control purposes, including
17 an inventory that can be made available to Federal and
18 non-Federal entities for avalanche control purposes under
19 the program.

20 (e) GRANTS.—

21 (1) IN GENERAL.—The Secretary may make
22 grants to carry out projects and activities under the
23 program—

24 (A) to assist in the prevention, forecasting,
25 detection, and mitigation of avalanches for the

1 safety and protection of persons, property, and
2 at-risk communities;

3 (B) to maintain essential transportation,
4 utilities, and communications affected or poten-
5 tially affected by avalanches;

6 (C) to assist avalanche artillery users to
7 ensure the availability of adequate supplies of
8 artillery and other unique explosives required
9 for avalanche control in or affecting—

10 (i) Federal land used for recreation
11 purposes; and

12 (ii) adjacent communities, and essen-
13 tial transportation corridors, that are at
14 risk of avalanches; and

15 (D) to assist public or private persons and
16 entities in public education regarding ava-
17 lanches and in conducting research and develop-
18 ment activities for cost-effective and reliable al-
19 ternatives to minimize reliance on military
20 weapons for avalanche control.

21 (2) PRIORITY.—For each fiscal year for which
22 funds are made available under section 4, the Sec-
23 retary shall give priority to projects and activities
24 carried out in avalanche zones—

1 (A) with a high frequency or severity of
2 avalanches; or

3 (B) in which deaths or serious injuries to
4 individuals, or loss or damage to public facilities
5 and communities, have occurred or are likely to
6 occur.

7 (f) SURPLUS ORDINANCE.—Section 549(c)(3) of title
8 40, United States Code, is amended—

9 (1) in subparagraph (A), by striking “or” after
10 the semicolon at the end;

11 (2) in subparagraph (B), by striking the period
12 at the end and inserting “; or”; and

13 (3) by adding at the end the following:

14 “(C) in the case of surplus artillery ordi-
15 nance that is suitable for avalanche control pur-
16 poses, to a user of such ordinance.”.

17 **SEC. 4. AUTHORIZATION OF APPROPRIATIONS.**

18 There is authorized to be appropriated to carry out
19 this Act \$4,000,000 for each of fiscal years 2010 through
20 2014.

21 **SEC. 5. LIMITATION.**

22 Nothing in this Act shall be construed to require use
23 of artillery or any other avalanche-related actions affecting
24 any unit of the National Park System or any other Fed-
25 eral lands or to limit the applicability of any Federal law

- 1 or regulation with respect to any such actions on such
- 2 lands.

